

CHAPTER 1 GENERAL

[Prior to 4/22/87, Iowa Family Farm Development Authority [523] Ch 1]

25—1.1(175) Description of agricultural development authority organization. The agricultural development authority consists of nine members. The treasurer of the state or the treasurer's designee and the state secretary of agriculture or the secretary's designee are ex officio nonvoting members. Members are appointed for staggered six-year terms. A chairperson, vice-chairperson and treasurer are elected by the membership. Authority staff consists of an executive director and additional staff as approved by the agricultural development authority.

This rule is intended to implement Iowa Code section 17A.3 and Iowa Code chapter 175.

25—1.2(175) General course and method of operations. The authority usually meets on a monthly basis at a time and place designated by resolution of the authority. If the meeting date coincides with a legal holiday, it shall be held on a date mutually agreed upon by the members. The purpose of the meetings shall be to review progress in implementation and administration of authority programs, to consider and act upon proposals for authority assistance, to establish policy as needed, and take other actions as necessary and appropriate.

This rule is intended to implement Iowa Code section 17A.3(1)“a.”

25—1.3(175) Public participation in open meetings. The public shall have an opportunity to present their views at board meetings.

1.3(1) Members of the public who wish to present their views at a board meeting shall contact the executive director in writing. Requests shall outline the subject to be addressed at the meeting.

1.3(2) A presentation shall be placed on the agenda of a board meeting if the request is received by the executive director at least one week prior to that meeting. Requests received by the executive director less than one week prior to a board meeting shall be deferred to the following meeting.

1.3(3) At the board meeting, ten minutes shall generally be scheduled for each presentation. At the discretion of the board, more time may be allowed.

1.3(4) The executive director, or a designee, shall notify the requesting party of the exact time and place for the presentation before the board. This notification shall be by telephone call, and followed up by a confirming letter.

1.3(5) On the date of the board presentation, each person scheduled to make a presentation, or each member of a delegation, shall sign a registration sheet located at the reception desk.

1.3(6) In addition to the above, a 30-minute public forum shall be scheduled on the agenda of each regularly scheduled meeting to allow the public an opportunity to address the board on issues related to the board's responsibility. Time for individual presentations during the public forum may be allocated by the executive director to give all those wishing to speak the opportunity to do so.

This rule is intended to implement Iowa Code sections 17A.3, 21.3, 21.5, 21.7, and 21.8, and Iowa Code chapter 175.

25—1.4(175) Location where public may submit requests for assistance or obtain information. Requests for assistance or information should be directed to the Agricultural Development Authority, Henry A. Wallace State Office Building, Des Moines, Iowa 50319, telephone (515)281-6444. Requests may be made personally, by telephone, mail or any other medium available, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. Special arrangements for accessibility to the authority at other times will be provided as needed.

This rule is intended to implement Iowa Code section 17A.3(1)“a.”

25—1.5(175) Petition to promulgate, amend, or repeal a rule. An interested person or legal entity may petition the authority requesting promulgation, amendment or repeal of a rule. The petition shall be in writing, signed by or on the behalf of the petitioner and shall contain a statement of:

1.5(1) The rule sought to be promulgated, amended, or repealed. A rule proposed to be amended shall be stated in full with proposed deletion enclosed in brackets, and proposed additions underlined.

1.5(2) Factual rationale for the proposed action.

1.5(3) Any propositions of law to be asserted.

1.5(4) Factual account of impact on petitioner, of proposed action.

1.5(5) Name and address of petitioner and any other person or entity known to be interested in the rule sought to be adopted, amended, or repealed.

1.5(6) The petition should be typed or printed, and captioned BEFORE THE AGRICULTURAL DEVELOPMENT AUTHORITY, and shall be deemed filed when received by the executive director. Upon receipt of the petition, the executive director shall:

a. Within ten days, mail a copy of the petition to any parties named therein. The petition shall be deemed served on the date of mailing to the last known address of the party being served.

b. Submit petition to authority at the next regularly scheduled meeting, with recommended action.

c. Within 60 days after the date of receipt of petition, either deny the petition or initiate rule-making proceedings in accord with Iowa Code chapter 17A.

In the event of a denial of a petition, the authority shall issue an order setting forth the reasons in detail for denial of the petition. The order shall be mailed to the petitioner and all other persons upon whom a copy of the petition was served.

This rule is intended to implement Iowa Code sections 17A.4 and 17A.7.

25—1.6(175) Request for oral presentation concerning intended rule making. Twenty-five interested persons, a governmental subdivision, the administrative rules review committee, an agency, or an association having not less than 25 members may make written request for oral presentation concerning an intended rule making. The request shall state:

1.6(1) Name, address and telephone number of each person or agency party to the request.

1.6(2) The number and title of the proposed rule as given in the notice of intended rule making.

1.6(3) The general content of the oral presentation.

Receipt and acceptance of requests shall be promptly acknowledged by the authority. Not less than 20 days after publication of notice of intended rule making, the authority shall allow oral presentations as requested, at the time when, and the place where stated in the publication of notice of intended rule making.

This rule is intended to implement Iowa Code section 17A.4(1)“b.”

25—1.7(175) Declaratory rulings. The authority shall provide declaratory rulings as to applicability of any statutory provision, rule or other written statement of law or policy, decision or order when petitioned to do so by the public where, in the judgment of the authority, it is necessary or helpful for them to conduct their affairs in accordance with the law.

Requests for declaratory rulings shall be made to the executive director in writing.

Within 30 to 60 days after submission of a request for declaratory ruling, the authority board shall issue a ruling on the rule, statute or policy in question. Such ruling shall be in writing.

The authority may decline to rule when, in the judgment of the authority, the ruling would be beyond the statutory jurisdiction of the authority, when no clear answer is determinable, or when the issue presented is pending resolution by a court of Iowa or by the attorney general.

This rule is intended to implement Iowa Code section 17A.9.

25—1.8(175) Procedure for informal settlements in contested cases. Unless precluded by statute, informal settlement of disputes over rules of the authority that may otherwise result in contested case proceedings as prescribed in Iowa Code section 17A.12 shall be encouraged.

All such informal settlements shall be made by the executive director subject to ratification by the authority board, and by the parties contesting the rule in question. The settlement shall be expressed in written stipulation representing an informed mutual consent. If the stipulation provides for amendment or repeal of a rule, rule-making procedures under Iowa Code section 17A.4 shall be followed.

This rule is intended to implement Iowa Code section 17A.10.

25—1.9(175) Waiver. The executive director of the authority may in the director's discretion retroactively or prospectively waive or vary particular provisions of these rules as necessary to conform to changes in federal or state law or regulations; to further the legislative purposes of programs of the authority; to bestow additional benefits or privileges on persons eligible to participate in the authority's programs; or to avoid inequitable, harsh or unforeseen results from the application of these rules; provided that the waiver shall be for good cause to avoid irreparable harm or injury to citizens of this state, shall not be unduly prejudicial to any person and shall not be in conflict with the Act.

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